Appendix C
Response to Comments on Preliminary Environmental Assessment

Rick Horton for The Ruffed Grouse Society:
The Ruffed Grouse Society appreciates the opportunity to comment on the Devils Trout Vegetation Management Project. As a non-profit conservation group dedicated to the needs of ruffed grouse, woodcock and other species that require young deciduous forest habitats, we applaud the designation of young forests as a Significant Issue and the creation of Alternative 3 in order to address our concerns about young forest habitats on the North Shore. We urge you to select Alternative 3. It meets the 11 points in the Purpose and Need, maintains patch sizes, reduces aspen, restores conifers and creates abundant habitat for deer, moose, grouse and other young forest species. While these species may exist at higher than historic conditions (a point of debate), the public wants huntable, not historic populations. You have a responsibility to manage resources sustainably – ecologically, economically and socially.

Response: Thank you for your comments, please see the decision notice for the selection options to be implemented. Included in the decision are all the design features and specific mitigations for each stand. Those can be found on our unit cards.

We are pleased to see that alternative 3 increases the amount of birch. We have been dismayed at the decline of birch stands throughout the state, but particularly along the North Shore. We are also grateful for the purposed regeneration in Riparian Emphasis Areas - this will greatly help migrating populations of American Woodcock.

Response: Thank you for your comments, please see the decision notice for the selection options to be implemented. Included in the decision are all the design features and specific mitigations for each stand.

On the matter of fire buffers, in an attempt to refute our assertions on the value of aspen in retarding wildfire (RGS Scoping letter) the District served to reinforce our point (EA Page 2-7). As I said, mixed stands carry fires and are not natural across-the-board. Historic fire regimes favored pure stands of aspen and jack pine in many cases. Why does the Forest Service then insist on "diversifying" fire dependent forest types? It is not ecologically supportable or socially responsible in the areas of high fire risk Why does the District not use this fact to "fire-proof" large areas near the Gunflint trail and other travel corridors? Are visual concerns paramount to public safety?

Response: Clear-cutting and regenerating those aspen stands we have proposed to partial-cut along the Gunflint will not meet the short-term or long-term visual objectives. As discussed in the Devil Trout scoping proposal, our objective in those stands along the Gunflint Trail and Trout Lake road is to maintain a reasonable short-term quality of scenery by retaining some of the aspen and other species and planting long lived species such as white pine to insure a better long-term quality of scenery at the same time

reducing fuel accumulations. The Gunflint Pines are an example of where nature provided this.

We realize there are tradeoffs to each decision and believe that adding white pine and white spruce to the stand composition will not lead to an unreasonable fire risk. There are short term fuels reduction benefits to most harvesting. In all our stands (of pine, spruce, aspen, etc) balsam fir will return, leading to the next generation of fuels risk. The difference is how we can manage those stands as they get older. Pine and spruce stands can generally receive intermediate treatments, either mechanical or prescribed fire, both of which will reduce the balsam understory.

Fire resistance in aspen stands is dependent on the age of the stand. Young aspen stands from 0-25 years of age are good fire buffers and rarely support fire spread. After about 25 years of age, the balsam fir begins to encroach in these stands. By the time they are 50 years old, most aspen stands have a significant amount of balsam in the understory. By the time they are 70 years of age, they have enough balsam to be considered a fuels hazard. Therefore, generally aspen stands from 0-50 years serve as fire buffers. However, even in stands less than 50 years of age balsam can encroach in the understory, which can be killed by spruce-budworm and lead to a fuel hazard that can support fire spread. Stands greater than 50 years of age have the potential to have understory fuel accumulations and a dying overstory which can support high intensity fire. The 5 aspen stands where partial harvest and interplanting is being proposed along Gunflint are currently breaking up, their average age is 88 years old and they contain a large amount of balsam fir.

There is an assumption that fire burned continuously across hardwood landscapes and created a heterogeneous landscape of aspen. Fires within the hardwood landscapes did burn across the landscape, but left a patchwork on the landscape of burned and unburned areas. Lowland areas of conifer and other wet sites or young age stands would not have been burned or would have burned with low intensity, leaving a mosaic of hardwood and conifer across the landscape of different ages. Areas where stands were older or effected by insect and disease would have burned with high intensity.

We offer the District the following mitigations and design criteria to increase management benefits to game species. These could readily be included in the environmental assessment and implemented on the ground:

- *We suspect that pockets of aspen and birch mixed in the canopy of other types are common. We ask that a mitigation measure be added to regenerate old pockets of aspen and birch within conifer stands slated for intermediary treatments and allow them to regenerate to aspen/ birch. This will diversify the conifer stands and improve structure, while providing a modicum of habitat for young forest species.*

Response: Our preliminary EA may have been misleading on intermediate treatments. The only intermediate treatments proposed are for conifer stands were thinning is prescribed and all except for one are less than 40 years old. These proposed stands do not contain any substantial amounts of aspen; they are comprised primarily of red pine or

white spruce. Table 2.5 in our preliminary EA suggested over 3000 acres of "intermediate" treatment. It should have read "secondary" treatment. All of those acres, except for the pruning, are follow-up treatments after harvest. Look for the corrected table 2.5 in the final EA.

- *Regenerate, through clearcut with reserves prescriptions, 3-5 acre blocks of pure aspen within aspen/birch stands slated for conversion, partial harvest, or underplanting (ideally 10% of the Stand).*

Response: Two hunter walking trail systems, Kadunce and Devil Track, exist within the Devil Trout project area and are managed with an emphasis on ruffed grouse and include small clearcuts of 3 to 16 acres. The Kadunce Hunter Walking Trail System covers about 1390 acres and is being managed following a decision made in 2004. The Devil Track Grouse Management Area was evaluated during Devil Trout planning and was found not to need treatment at this time. Additional clearcuts in the Devil Trout project will provide aspen regeneration in openings of various size and configuration. Aspen of varying ages is mixed throughout the project area.

The Devil Trout project proposes to clear-cut approximately 1,422 acres of which 120 acres will be converted to spruce. The project also proposes to partial harvest 8 stands, approximately 400 acres with 130 acres converted to white/aspen. Clearcutting 10% of the stands proposed for partial harvest would not meet the purpose and need for this project or Forest Plan objectives.

- *Maximize the habit quality of the areas that are going to be regenerated back to aspen and birch by taking steps to maximize stem density in those stands. Residual trees should be clumped and few aspens retained as residuals. Tall conifers (predator perches) should be removed.*

Response: Aspen in the Devil Trout project area that is regenerating after cutting during the last 20 years includes stands with very dense stem density of aspen. We expect that stands designated for clearcutting will also result in a dense stem density. To ensure that those stands harvested have adequate aspen and/or birch regeneration those stands will be monitored 5 years after the harvest and certified "stocked" or reforested if needed.

In those aspen stands where clear-cut followed up with natural regeneration is proposed, the leave tree and leave island methods proposed in the Devil Trout project have been implemented and proven to be successful in the past with regards to the successful re-stocking of young aspen regeneration. The leave tree and leave island methods used are designed to provide cover and habitat for over 40 species of birds, 29 mammals, and several reptiles in Minnesota. Perches for predators are available in many areas and are not specifically created or retained for that purpose in this project, except as habitat for eagles and osprey near fish-bearing lakes.

- *Relax riparian standards to allow small patch clearcutting within RMZs to benefit woodcock and grouse without negatively impacting water quality. Current design*

features specifying leaving 22-80 ft/acre in "even –aged" harvests in riparian zones will impede regeneration density and not provide good habitat.
Again, we appreciate the opportunity to comment.

Response: Currently, habitat conditions for this species on the Superior would appear to be the best they have been in 40 – 50 years (USDA Forest Service 2000h).

The 2004 Forest Plan does not focus on single species management. It takes a course filter approach in managing species looking at management indicator habitats (MIH). The American Woodcock is associated with MIH 2 – upland deciduous forest; MIH 10 – upland riparian forest; and MIH 11 – upland edge habitat (management induced) (LRMP-FEIS, Vol II; Appendix D, Table DEIS – 9). This approach looks at vegetation composition, structure, age, tree diversity and social objectives which is compatible and complementary to Landscape Ecosystem (LRMP pg. 2-35,).

With that said, the land adjacent to many of the streams within the DT analysis area is currently lowland brush and hummocks. The Forest Service would not promote any timber harvesting within this area and would support maintaining a riparian management zone along most of these streams and lakes. One of the desires in the Forest Plan is to promote riparian areas as landscape connectors. They support native and desired non-native wildlife and plant species that provide bank stability. A multi-layered forest canopy in riparian areas provides shade, leaf litter and coarse woody debris to streams, wetlands and lakes as well (LRMP D-WS-10; pg. 2-10). The Forest Service will implement Forest Plan standards and guidelines which incorporate Minnesota Forest Resources Council (MFRC) Voluntary Site Level Forest Management Guidelines (LRMP S-WS-4; pg. 2-13).

Tim O'Hara for the Minnesota Forest Industries, Vice President of Forest Policy:
Minnesota Forest Industries (MFI) has reviewed the Preliminary Devil Trout Project EA materials. Our comments regarding this project are below.
The Forest Service considered three alternative 3 in the final analysis. Of these alternatives, MFI recommends that alternative 3 be implemented. This alternative most closely follows forest plan direction by increasing or maintaining patch size, and providing young forest habitat.

Response: Thank you for your comments, please see the decision notice for the selection options to be implemented. Included in the decision are all the design features and specific mitigations for each stand. Those can be found on our unit cards.

With respect to alternative 3 we do not support mechanical pile and burning of commercial aspen stands or stands that are young and still productive. We recommend that if these stands are on site indices capable of growing aspen (SI>60) that these stands be allowed to mature.

Response: Our preliminary EA may have been misleading on intermediate treatments. In the Devil Trout project mechanical pile and burning is a secondary treatment used after harvesting. The fuels created by logging, such as tree tops and slash will be mechanically

piled and burned under appropriate weather conditions, not any merchantable portion of a tree harvested will be mechanically piled and burned. The leave trees or islands of the stand will be left undisturbed. The objective is to reduce the hazardous fuels created by harvesting. Look for the corrected table 2.5 in the final EA

We are concerned that none of the proposed alternatives seriously addressed the unhealthy forest condition of the project area. This area primarily consists of aspen and birch. More than 13,000 acres of this type are beyond the age of 60 years. The forest plan directs actions that "... minimize undesirable fir, insect, and disease outbreaks..." D-ID-1). None of the alternatives manage the forest at a level to reduce these risks. Even under alternative three a substantial amount of over mature forest will remain within the project area. We recommend that additional stands be harvested to regenerate these acres to a healthy condition, prior to additional losses via mortality.

Response: Landscape ecosystem (LE) objectives outline a desire for 10% in the 0-9 year age class for Mesic Birch/Aspen-Spruce/Fir (MBASF) LE (Table MBA-2 LMRP pg. 2-70). Further, the purpose and need for this proposal has outlined a desire for 2-7% in the young age class (Devil Trout EA #1, page 6). The alternatives outlined in chapter 2 of the Devil Trout EA meet the purpose and need for 2-7% in the young age class.

While there will be aspen and birch mortality, a good number of those stands also contain maple, white pine, cedar, spruce, and balsam fir of all sizes and ages. This combination of species and the more productive soils in the Trout Lake area lend to their transition to other hardwood species that are more fire resistant. Our project is designed to aid in that transition with partial cuts and some planting.

The Forest Plan objective O-ID-1 states that the forest "Increase the amount of forest restored to or maintained in a health condition to reduce risk of and damage from fires, insects, and disease." Table 2.17 of the EA identifies the acres by condition class that is being treated. The EA proposes condition class 1 and 2, but not in condition class 3. We are confused because condition class three represents forests that are furthest from historic conditions and are at a greater risk of fire. Please provide the rationale of not recommending treatments for condition class three.

Response: The project area only has 1% (292 acres) in Condition Class 3. Some of these are isolated jack pine stands and some are spruce-fir stands. Treatment of these stands was not a priority from a fuel reduction perspective because they were so isolated and not near values at risk.

We do not support the partial harvest of aspen stands. We recommend that the district harvest aspen stands with proven Silvicultural practices, i.e. clear-cut with reserve. We also recommend aspen stands that are on productive sites not being converted to other species. We do support conversion of off-site aspen stands.

Response: The decision to partial cut some aspen has been outlined in the Forest Plan (LRMP pg 2-21, Table G TM-7), and is also discussed in the Record of Decision (LRMP-ROD pg 22), and therefore will not be reanalyzed at the project level. Further,

the purpose and need (P&N) for this project outlines that we will be using techniques around the large patch near Trout Lake to move it toward longer lived species for both ecosystem and visual reasons (Devil Trout EA P&N #2 and P&N #11, pages 1-7 and 1-11).

The U.S. Forest Service acknowledges that clear-cutting aspen is a common silvicultural treatment used for regenerating young aspen and that it is the most economical for loggers. However, partial cutting is a technique becoming common across the Lake States and the northern continental United States. There are several reasons the partial cutting of aspen is being proposed. The primary reason is to retain some of the over-story maintaining an adequate level of scenic quality. One of the purpose and needs of the Devil Trout project is to maintain or enhance scenic quality along the Gunflint Trail and Trout Lake Road. The Gunflint Trail is designated as a Scenic Byway and the Forest Plan identifies it as having High Scenic Integrity Objectives. Some of the existing stands are in decline (dead and dying) and pose a threat to long term scenic quality that would not meet the desired condition. There is a need to increase long lived species such as white pine and/or spruce and add variety to the landscape through increasing pine. It has been proven that retaining a partial canopy of aspen will decrease aspen suckering and the mortality of the white pine seedlings we proposed to interplant in those stands (D. Stone and J. Elioff, March 24, 2000).

MFI appreciates the opportunity to comment of the proposed actions for the Devil Trout EA. If you have any questions please contact the MFI office. Sincerely.

Response: Thank you for your comments, please see the Decision Notice for the selection options to be implemented.

Ray Higgins for the Minnesota Timber Producers Association:
Minnesota Timber Producers Association (MTPA) has reviewed the Preliminary Devil Trout Project EA materials. Our comments regarding this project are below.
The Forest Service considered three alternative 3 in the final analysis. Of these alternatives, MTPA recommends that alternative 3 be implemented. This alternative most closely follows forest plan direction by increasing or maintaining patch size, and providing young forest habitat.
With respect to alternative 3 we do not support mechanical pile and burning of commercial aspen stands or stands that are young and still productive. We recommend that if these stands are on site indices capable of growing aspen (SI>60) that these stands be allowed to mature.
We are concerned that none of the proposed alternatives seriously addressed the unhealthy forest condition of the project area. This area primarily consists of aspen and birch. More than 13,000 acres of this type are beyond the age of 60 years. The forest plan directs actions that "... minimize undesirable fir, insect, and disease outbreaks..." D-ID-1). None of the alternatives manage the forest at a level to reduce these risks. Even under alternative three a substantial amount of over mature forest will remain within the

project area. We recommend that additional stands be harvested to regenerate these acres to a healthy condition, prior to additional losses via mortality.
The Forest Plan objective O-ID-1 states that the forest " Increase the amount of forest restored to or maintained in a health condition to reduce risk of and damage from fires, insects, and disease." Table 2.17 of the EA identifies the acres by condition class that is being treated. The EA proposes condition class 1 and 2, but not in condition class 3. We are confused because condition class three represents forests that are furthest from historic conditions and are at a greater risk of fire. Please provide the rationale of not recommending treatments for condition class three.
We do not support the partial harvest of aspen stands. We recommend that the district harvest aspen stands with proven Silvicultural practices, i.e. clear-cut with reserve. We also recommend aspen stands that are on productive sites not being converted to other species. We do support conversion of off-site aspen stands.
MTPA appreciates the opportunity to comment of the proposed actions for the Devil Trout EA. If you have any questions please contact the MTPA office. Sincerely.

Nancy Seaton from the Gunflint Trail Scenic Byway Committee and Shari Baker from the Gunflint Trail Association:

Comments on Devil Trout Preliminary Environmental Assessment and aspects affecting the Gunflint Trail Scenic Byway:

The comments that follow address the U.S. Forest Service proposed forest management activities outlined in the Devil Trout Project Preliminary Environmental Assessment that would affect the state designated Gunflint Trail Scenic Byway within the Superior National Forest.

We appreciate that the scenic byway status of the Gunflint Trail was acknowledged within the environmental assessment. We thank you for meeting with our committee and explaining the agency plans within the scenic byway corridor. If forest management activities within the viewshed of the scenic byway corridor are deemed necessary for forest health reasons, we tend to agree with the agencies general logic of conducting partial cuts coupled with the planting of longer-lived species such as pine. Upon further review of the plan, coupled with on-site inspections of the stands proposed for treatment, we feel that, with some adjustments, the U.S. Forest Service's proposed action – alternative 2 – could complement our goals and desired future conditions for the scenic byway. With that in mind we have a number of comments, concerns and suggestions to respectfully offer.

Response: Thank you for your comments, please see the decision notice for the selection options to be implemented. Included in the decision are all the design features and specific mitigations for each stand. Those can be found on our unit cards.

The Gunflint Trail is a state sponsored scenic byway and a major tourism related resource within Cook County, Minnesota. Under the Cook County Land use plan this area is listed as an "extraordinary resource in North America". The scenic byway includes a buffer zone of one mile on each side of the road. Our committee is currently in

the process of seeking national scenic byway status. As a requirement to obtaining national status, an initial corridor management plan was developed and adopted in June of 2005. Another requirement for national designation is that certain intrinsic qualities be demonstrated. Among these intrinsic qualities are natural and scenic qualities. Natural qualities are defined within the plan as those that apply to "those features in the visual environment that are in a relatively undisturbed state". It is further stated that these features predate the arrival of human populations and that "there may be evidence of human activity, but the natural features reveal minimal disturbances". The intrinsic scenic quality must include characteristics of the landscape that are "strikingly distinct and offer a pleasing and most memorable visual experience." It is also stated that, among other elements of the landscape, vegetation must "contribute to the quality of the corridor's visual environment".

Response: The Forest Plan has identified that the Gunflint Trail as being designated as a High Scenic Integrity Objective area, and that designation extends ¼ mile on either side of the Gunflint Trail (Forest Plan O-SC-1 pg 2-45). The vegetation management actions proposed in the Devil Trout project along the Gunflint Trail will be consistent with the current intrinsic qualities that the scenic byway has today. The Devil Trout project has been designed to contribute to the quality of the corridor's visual environment.

The scenic byway committee has recently formed a forestry subcommittee to deal with the natural vegetation intrinsic quality of the Gunflint Trail. We are beginning the process of developing a comprehensive vegetation management plan. There is a consensus that the existing unbroken older forest characteristics along the byway be maintained wherever possible. There is agreement that within-stand age class and species diversity adds to the scenic quality of the road. Also recognized is the need to maintain and increase the amount of longer lived species such as red and white pine, white cedar, white spruce and northern hardwoods such as maple and yellow birch where appropriate.

Response: Thank you for your comments, please see the decision notice for the selection options to be implemented.

We are concerned with the cumulative impact of natural and human disturbance on the formerly unbroken older forest characteristic of the scenic byway. Under the proposed plan, forest management activities would be conducted on 26 stands within the scenic byway corridor. Seven of these treatments would be directly adjacent to the road. All of these activities would be conducted within a six-mile stretch of the scenic byway. As you know, the 1999 windstorm and the ensuing salvage logging and prescribed fires have left much of the upper half of the scenic byway fragmented with large areas in a much younger age class. When one couples this with proposed Minnesota DNR management activities and previous resource agency activities conducted over the past 10 years, the current proposed activities could, if not conducted with extraordinary consideration to aesthetic values, diminish our stated visual quality goals necessary for national scenic byway designation.

Response: The U.S. Forest Service is aware of the negative effects that treating those stands in the Devil Trout project along the Gunflint Trail could have on the visual quality. We have designed the project with extraordinary consideration to aesthetic values, and the project should not diminish the visual characteristics necessary for national scenic byway designation. Specific stand prescriptions such as partial harvest and various mitigations have been applied to those stands to minimize the effects to aesthetics. Mitigations such as using the topography, legacy patches, leave islands, and leave trees along the Gunflint Trail in order to minimize views of harvested areas, retain existing and potential specimen trees, groups of trees, flowering trees and shrubs, and conifers in the immediate foreground of views from roads, visible edges of the stand should avoid abrupt transitions between a cut area and an adjacent uncut stand. Leave mid-story shrub-layer species in the transition zones between cut areas, and adjacent stands and leave islands. The vast majority of the vegetation treatments will leave the unbroken older forest characteristic in place.

This area is typed as birch-aspen-spruce-fir. However, it once contained a much greater component of white pine. Much of that had been logged in previous years and either allowed to regenerate to the current typing or converted to red pine, white spruce or aspen monocultures. There is still a fairly large component of white pine intermingled throughout this planning area.

While the current proposal appears to take many of our concerns into consideration we offer the following general as well as site specific suggestions and requests.

There should be no clearcutting within the viewshed of the road. We feel that any cutting done within the viewshed of the roadway should be partial cuts targeting specific species, such as decadent aspen or dead and dying balsam fir or birch. The objective should be to open the canopy or thin the stand only enough to allow the natural and artificial regeneration of longer lived species such as white pine. The majority of the existing conifer component, whether advanced regeneration or mature, should be retained with the exception of thinning conifers such as balsam fir where they have formed thickets hindering growth rate or planned regeneration. All white pine, white cedar and white spruce should be retained. Wherever soils permit, replanting should be conducted without rock racking. Any mechanical site prep should be done so as not to damage the roots of leave trees. Any new access routes viewable from the scenic byway should be discreet and revegetated with tree cover upon completion of management activities.

Response: There are 6 proposed stands to be harvested along the Gunflint Trail, 5 are proposed partial harvests and 1 is a proposed clear-cut. The single stand with clear-cut proposed for on the Gunflint Trail is a 90 year old aspen stand comprised mostly of decadent aspen and young fir and brush species in the under-story. After the proposed harvest approximately 15 acres south and 15 acres north of Timber Creek along the Gunflint Trail will be planted with white pine seedlings.

Mitigations will be applied to this stand to minimize the short-term visual impacts. Those mitigations include leaving a large leave island near the Gunflint Trail and Timber creek, no harvesting or damaging white pine, and utilizing the topography, legacy patches, and leave trees along the Gunflint Trail in order to minimize views of harvested areas. This prescription addresses scenery management objectives through an increase in long-lived conifer in the areas adjacent to the Gunflint Trail and the Trout Lake road. The stand also contains white pine in the northern section of the stand along the Gunflint Trail. This portion of the stand would not be harvested but would receive an under-burn to encourage the natural regeneration of white pine and to reduce fuels such as young balsam fir.

In most of the stands proposed for treatment off of the Gunflint Trail existing roads will be used for access into those stands. In those stands where no access is currently available mitigations such as utilizing nearby small balsam and spruce will be transplanted into road bed and one cubic yard and larger rocks (embedded 1/3 of their depth), stumps, and slash will be randomly placed on the seen part of the road to ensure that passage does not seem feasible and is not attempted. Cuts and fills will be re-contoured to pre-road condition. At the access point off the main road, the original ditch will be restored and access roads will be curved to prevent views into the unit from the main road. Any potential specimen trees, groups of trees, flowering trees and shrubs, and conifers in the immediate foreground of views from roads and trails will be retained.

All white pine planting needs to have regular follow up and treatment to deal with deer browse, blister rust, tip weevil and white pine aphid as well as suppressive vegetative competition. We request that the majority of the white pine acreage be budgeted for these follow-up activities and not just the 30 percent called for in the current plan. All research indicates that this will need to be done for the long term. We would like to see these follow ups budgeted for and that any white pine plantings maintain an adequate stocking rate over the long term to eventually make a substantial difference to the visual quality of the scenic byway. We ask that these plantings not be certified in the fifth year as proposed. Instead, we request they be monitored for at least 10 years to insure an adequate stocking. As is often stated by Jack Rajala of Rajala Lumber Company, white pine is not a species that can be planted and forgotten. This general philosophy is expressed in publications by the Minnesota DNR as well as corroborated by most research.

Response: Natural and artificial regeneration areas will be surveyed for the number of acceptable trees/acre using Regional Guidelines. Stands planted with white pine would be checked for pruning and release needs.

Stocking surveys would be conducted after the 1st and 3rd growing season following reforestation treatment. Stands not expected to reach regional stocking standards after the 5th growing season would be evaluated for a replant. Units meeting minimum stocking standards would be certified by year 5. Release and pruning needs would be evaluated at the time of stocking surveys, every other year for 10 years, and after 10 years, every 5 years until the branches are 9 ft. off the ground.

Ensure that minimum stocking standards are met in each forest type for artificial and natural regeneration treatments including the interplanting of white pine. Procedures and standards are located in the Forest Service Reforestation Handbook 2409.26b.

Of major concern is the planned clearcutting of stand number 5 in compartment number 148. This 100 acre clear-cut would extend for over three-quarters of a mile from FR1310 northward and involves the headwaters of timber creek. The current plan is to clear-cut all merchantable timber with the exception of 6 to 12 leave trees per acre as well as 5 percent as legacy patches. From the road this stand does not appear to be in an advanced state of decline, as are some stands further south. Instead, this stand, especially those portions towards the north, appears healthy and contributes a positive visual aspect to the road. There is a fair amount of mid and older aged white pine throughout the stand within the viewshed as well as other healthy conifers. We would ask that you reconsider this cut by considering a variable thinning or partial species cut in that portion of the stand viewable from the road. We ask that you leave all viable conifers, especially white pine, throughout the stand and that you consider planting white pine in those areas viewable from the road in addition to the planned planting on the 30 acres to the SW portion of the stand. The current prescription states that the Regeneration Forest Type would be even-aged aspen. While even-aged monocultures of young aspen are appropriate for some areas they tend to have an industrial forest characteristic which would negatively impact the visual quality of the scenic byway.

Response: A recent stand exam was conducted in compartment 148 stand 5 in September of 2005. The stand exam revealed large pockets of aspen/spruce/fir where the fir and some spruce have been killed by spruce budworm and the aspen is starting to fall apart because of old age, 90 years old. The regeneration is comprised primarily of young balsam fir, hazel, and mountain maple. There are several objectives in this stand such as, creating more diversity within the stand through establishing long-lived tree species like white pine, improve the long-term visual quality, utilize the natural regeneration of white pine, and reduce fuel hazard.

Although there will be minimal effects to the visual quality from the Gunflint Trail or the habitat or water quality of Timber Creek there will be several mitigations applied to this stand such as,

- avoid harvesting or damaging white pine,
- use the topography, legacy patches, leave islands, and leave trees along the Gunflint Trail in order to minimize views of harvested areas,
- retain existing and potential specimen trees, groups of trees, flowering trees and shrubs, and conifers in the immediate foreground of views from roads,
- visible edges of the stand should avoid abrupt transitions between cut area and adjacent uncut stand,
- leave mid-story shrub-layer species in the transition zones between cut areas, and adjacent stands and leave islands,
- maintain a 100 ft. near bank zone along the creek, and
- operate on frozen soils only.

After the proposed harvest approximately 15 acres south and 15 acres north of Timber Creek along the Gunflint Trail will be planted with white pine seedlings.

Stand number 3 in compartment 191 is slated for a standard clear-cut and is to be regenerated into a monoculture of even aged aspen. We ask that more of the conifer component, including all white pine, be reserved and consider a partial cut in those areas viewable from the road.

Response: In compartment 191 stand 3 mitigations will be applied to minimize the effects to visual quality such as:

- avoid harvesting or damaging white pine,
- use the topography, legacy patches, and leave trees along the Gunflint Trail in order to minimize views of harvested areas,
- leave an increased basal area along Trout Lake Rd,
- retain existing and potential specimen trees, groups of trees, flowering trees and shrubs, and conifers in the immediate foreground of views from roads,
- visible edges of the stand should avoid abrupt transitions between cut area and adjacent uncut stand and,
- leave mid-story shrub-layer species in the transition zones between cut areas, and adjacent stands and leave islands.

Stand numbers 55 and 61 in compartment 190 appear to abut one another.
We agree with the prescription of stand 55 but request that in stand 61 there be enough conifer component retained to add diversity to the stand as it regenerates.

Response: In compartment 190 stand 61, a stand exam conducted in August of 2005 revealed that the forest composition is comprised mostly of decadent aspen and paper birch, 97 years old, with very little conifer except for balsam fir. The exam also showed that the stand is currently falling apart and has a low basal area of 50BA.

In stand 45 in compartment 190 and stand 4 in compartment 198 it would be nice to see a higher basal area than 30 percent left. Considering the advanced age of these stands, too high of a reduction in basal area would increase the probability of the remaining trees dying prematurely of moisture stress and wind throw. Should this occur, the shelter they would provide the regenerating white pine would be lost. This should actually be considered in all partial aspen cuts. Stand 4 in compartment 198 is next to the "Pines" and it is nice to see you attempt to increase white pine in this area. This stand already appears to have a basal area approaching 50-70 percent, which should be adequate for white pine regeneration.

Response: Mitigations have been applied to compartment 190 stand 45 which will retain more trees along the Gunflint Trail in order to minimize visual effects, such as, avoid harvesting or damaging white pine and leave greater basal area along Gunflint Trail. Similar mitigations have been applied to compartment 198, stand 4 which will retain more trees along the Gunflint Trail such as, leave 50 basal area within 2 chains of the Gunflint Trail and avoid harvesting or damaging white pine.

Based on recent stand exams in compartment 198, stand 4 the current Basal Area is 100BA with an average diameter of 10 inches. If the stand was not harvested the distance between trees would remain at an average spacing of 16''. This spacing would not allow sufficient room for the equipment used for mechanical site prep to operate, a partial harvest leaving 30BA would create a distance of 31' between stems which would create enough room to operate in. We are aware of the damage to the residual trees left in those stands, that the harvesting can create. It is expected that natural mortality will continue after harvest.

In stand number 10 in compartment 200 it would be nice to see the partial cut set up as variable instead of just 30 percent. The aspen in this stand is younger and it would be nice to see a higher basal area left along the road if possible.

Response: The stand will be variable with pc-30 cut, there are previous cuts within a stand located within stand 10. Mitigations applied to this stand will also contribute the variableness such as, utilize the topography and leave approx. 50 basal area within 2 chains of the Gunflint Trail in order to maintain the visual quality.

Stand 42 in compartment 206 and stand 22 in compartment 200 together comprise what is known as the "George Washington Pines". Stand 42 was thinned a few years back by using horses. We understand the objective of reducing fuels loads within these stands, including balsam fir ladder fuels. We hope that this will be done in a way to achieve an aesthetically pleasing result by allowing a portion of the under-story to remain while under-planting white pine. In stand 22 we suggest that any fuels reduction project be conducted without the use of heavy equipment, as this is an area of high scenic, historic, cultural and recreational value. The ski trails that run through this stand are also used as birding trails in summer. Even a relatively small amount of understory increases the bird species count. These two units should be treated as one and with a light hand.

Response: It is likely we will use equipment simply due the cost of implementing these treatments. We have not completed the details of what type of equipment, but the concern for visuals will weigh heavy into the decision. Our experience has shown that there are some fairly small pieces of equipment that can move in, complete the task and be fairly light on the land.

Concerning cutting not directly along the road, but within the one-mile buffer zone on each side of the road, all of our initial general comments would apply, especially those dealing with a higher amount of conifer leave trees to achieve better within stand diversity. Stand number 19 in compartment 198, currently typed as a birch, is proposed to be clear-cut and converted to a white spruce plantation. Being that this stand is within the buffer of the corridor we suggest leaving a higher component of leave trees including all pine, cedar and some healthy birch throughout the stand for diversity. White spruce is relatively shade tolerant and should do fine with more leave trees.

Response: A recent stand exam was conducted in compartment 198, stand 19 showing the stand's composition to be 45% paper birch, 25% aspen, 20% maple, and 10% spruce

and balsam fir. The under-story is primarily comprised of hazel and mountain maple with some young balsam fir and aspen regeneration. Some mitigations such as avoid harvesting or damaging white pine, sugar maple, red maple, and utilizing the healthiest paper birch for seeding, have been applied to keep the species diversity of the stand. It is expected that a large amount of paper birch, aspen, and balsam fir will be present as well as the planted white spruce.

We also hope that stands 25 and 23 in compartment 111 would respect the Shipstead-Newton-Nolan federal law as the Brule River is navigable water and is a high value recreation resource within the scenic byway corridor.

Response: Stands 23 and 25 in compartment 111 are completely outside of the Shipstead-Newton-Nolan area. The U.S. Forest Service will follow Shipstead-Newton-Nolan Federal Law when implementing the prescription in those stands.

Please understand that we are not against logging within the corridor for forest health reasons. When logging must take place for such reasons it does provide a number of tangible and positive economic factors such as jobs and revenue. However, the outcome of any activities within the scenic corridor should be to maintain or create natural appearing forests with a high degree of within-stand age class and species diversity, while increasing the future component of longer lived species, as opposed to the creation of monocultures of even aged aspen or conifer plantations.

While we realize that some of our suggestions would likely increase the cost of forest management activities, we feel this is justified by the nature of the area being a high value tourism resource as well as a state designated and federal candidate scenic byway. We are more than willing to do whatever is in our ability to assist you. For example, we may be able to offer voluntary help or locate alternative supplemental funding to achieve what we hope can be mutual and complementing goals.

Once again we thank you for considering our concerns and suggestions, as well as for all of the hard work that you do for us all.

Response: Thank you for your comments, please see the decision notice for the selection options to be implemented. Included in the decision are all the design features and specific mitigations for each stand. Those can be found on our unit cards.

Millard Myers/ 1854 Authority / Executive Director:
The 1854 Treaty Authority would like to provide comment on the Preliminary Environmental Assessment for the Devil Trout project.
We have become frustrated with consultation and coordination with the U.S. Forest Service. Tribes are sovereign nations (not special interest groups) and must be treated as such. The Forest Service has a responsibly to communicate with tribes on a government-to- government basis and respond to concerns appropriately. We have provided input on documents as they are released to the public, and in some cases in meeting and conversations during the preliminary planning phases. Some progress has been made with communication, but our concerns are rarely addressed during project

implementation. We often hear the right things in conversation, but it does not translate to on the ground activities.

Response: We understand the frustration spoken about by the 1854 Authority. Roads management is one of the more controversial topics in National Forest Management, one that many people are very passionate about. It is difficult to set a policy regarding roads that is accepted by other Governments or the public.

We recognize the Gunflint Ranger District is part of the territory ceded to the United States under the La Point Treaty of 1854 and that tribal members have reserved rights to use the area for hunting, fishing, gathering forest products, recreating, and other cultural activities. During communications with the Grand Portage Band and the1854 Treaty Authority, they expressed concerns about the effects of the proposal on game species habitat (moose, deer and grouse), and the tribes' use of the area, particularly access for hunting and gathering. After receiving their comments on our preliminary EA, it seems we didn't completely understand our communications.

During a follow-up conversation with Mr. Myers, we agreed that the Gunflint Ranger District would meet with 1854 prior to developing our proposed action for future projects. Our goal would be to look at on-the-ground conditions to collaborate on proposals within the context of the Forest Plan.

With this context, we will again attempt to voice our concerns. In the Devil Trout Preliminary Environmental Assessment, environmental effects are defined as the consequences of implementing the alternatives on the physical, biological, social, and economic environment. Impact on treaty rights fits under this definition, and this impact should be considered a significant issue. However, the document states (page 3-13) that "implementation of any alternative would have no effect on opportunities for subsistence hunting, gathering, or other treaty rights guaranteed to Native American Tribes" The 1854 Treaty Authority disagrees. The Superior National Forest is vital for the exercise of treaty rights guaranteed in the 1854 Ceded Territory. Management decisions and project implementation do affect these rights. Primarily, the Forest must provide habitat for game species and suitable access for hunting, fishing, and gathering. We expressed these concerns during scoping for the Devil Trout project.

Response: Hunting and gathering are important cultural aspects for tribal members under the 1854 Treaty and this project will have some effects on the members and their rights. Significant issues, from a NEPA perspective, are those unresolved issues that are used to develop alternatives to the proposed action. Although not highlighted in the EA, Alternative 3 was developed partially in response to the concerns raised by 1854.

Within the EA we made the assumption those effects to early successional wildlife species would correlate to effects on Tribal rights from a game habitat perspective. The EA presents effects to moose, deer and ruffed grouse with the findings that Alternative 3 offers higher levels of habitat for those species (EA section 3.2). Each alternative would have some effect on opportunities for subsistence hunting, gathering, or other treaty rights guaranteed to Native American tribes. Alternative 1, or no action, would not

provide young habitat for game species other than in some stands, where natural mortality occurs, that is followed by natural regeneration of aspen. Experience has shown that most of the stands of natural mortality are replaced by brush species and balsam fir; therefore, I do not expect Alternative 1 to provide increased opportunities for hunting/gathering. Alternatives 2 and 3 will provide harvesting followed by both planting conifers and natural regeneration of common species including aspen. Alternative 3 provides the greatest amounts of young aspen, which in turn should provide quality game habitat.

In essence there will be a "no-net-change" in roads and access, which will translate into a similar effect to hunting access opportunities. Within the preliminary EA, we incorrectly correlated that to having "no Affect" to Tribal rights on ceded territories.

Two roads scheduled for decommissioning will be decomissioned following a six year period after the harvest. This will result in minor increase in hunting opportunity. Temporary roads needed for harvest will be obliterated following logging and any needed reforestation or prescribed fire actions. This will provide no change for motorized hunting access.

Yet, the response in the preliminary environmental assessment (page1-15) was that these were Forest Plan issues and could not be appropriately addressed at the project level. We believe that this is an unacceptable response. Some flexibility must exist at the project level, and tribal input should be considered when implementing projects. If not, why does the Forest Service go through the process of soliciting comments on individual projects? Furthermore, a policy may exist in the Forest Plan, but tribes may not have agreed with it or accept that it takes priority over treaty rights.

Response: The District Ranger has some flexibility provided in how the Forest Plan is implemented. Analyzing needs, developing proposals and alternatives to those proposals are within the scope of authority for a Ranger. Working outside the standards provided by the Forest Plan can only be done with a Forest Plan amendment which has to be approved through a decision notice signed by the Forest Supervisor.

Band members continue to exercise treaty rights to hunt, fish, and gather within the project area. With diminishing public lands in the 1854 Ceded Territory, access within the Superior National Forest is a prime concern for the continued exercise of treaty rights and maintenance of cultural identity. Natural resources fall under the definition of cultural resources. The harvesting and use of natural resources is a part of Ojibwa identity and culture. Any threat to the access and harvest of traditional plants and animals, either real or perceived, is seen as a threat to Ojibwa culture and the right of band members to exercise their cultural identity. The Forest Service has stated that temporary roads are intended for forest resource management purposes only; that the objective for these roads is to provide short term access; and that the roads will be obliterated once the need has expired. The 1854 Treaty Authority believes that temporary access should also include the exercise of treaty rights. After such temporary access, some roads could then be added to the system if appropriate, or some could be closed if

necessary or if evidence of damage to the natural resources. Of particular concern is access to clear-cut areas for moose hunting. After logging activities are completed, a need still exists to access some of these areas for a period of several years. The Forest Service must start to acknowledge the distinction between motorized recreation and access for hunting, fishing, and gathering treaty rights. It is unacceptable to say that this issue will be addresses in off highway vehicle recreation planning at some point in the future. The Forest Service must consider treaty-right hunting activities as a use to be accommodated rather than a use to be curtailed.

Response: We understand the 1854 Authority has a different view of our actions regarding roads management. They see our closing temporary roads as a negative effect on access and tribal rights. Our obligations under the Forest Plan are to close temporary roads as soon as our management is completed (S-TS-3, pg 2-50 Forest Plan). This is where issues between the Forest Service and 1854 and will need to be addressed at higher levels. However, the District Ranger has some flexibility on the timing of the closing of unclassified and system roads. Therefore it was decided to gate FR 154A and U2140C01 for a period of up to six years following completion of harvest activities. The gates will be opened for the fall moose season (following the State DNR moose season dates) and then closed at the end of the season. FR 154A and U2140C01 will be obliterated at the end of the six year period. This was discussed with the 1854 Authority and while this would not be considered to meet their expectations, it is considered a "step". These actions are being taking to meet our stewardship for the land while attempting some measures to address tribal rights.

Although the information provided on road management activities in the project area is a bit unclear, we will try to be as specific as possible with our comments. It is our understanding that the proposed action would use then decommission 1 mile of unclassified road (U2140C01 – west of Kimball Lake?), and construct and decommission 1.7 miles of temporary road. Some of these temporary access points may be suitable for use by band members exercising treaty rights, especially for moose hunting opportunities. Perhaps a field visit with tribal staff would be appropriate to help make specific determinations. Under Alternative 3, forest road 154A would be decommissioned. If this alternative is implemented, we would like to see this road remain open for hunting access, or leave other temporary roads into the cutting units open as compromise. We also request a geographic information system shape file of road management plan to compare with our moose harvest information.

Response: Please see the Decision Notice and response to comments above to see how FR 154A, U2140C01 and temporary roads are being handled.

Additional comments address vegetation management and effects on wildlife habitat. While the 1854 Treaty Authority supports management activities that provide habitat for all species, our constituents are particularly concerned about game species such as moose, deer, and grouse. The 1854 Treaty Authority is concerned that shifts to increase older conifers and decrease younger forests and foraging habitat may negatively impact populations of game species in the long-term. Short-term effects may provide some benefit to habitat, but gradually phasing out the emphasis on game species is a concern,

especially with a vision for the future. Early successional species (providing young aspen habitat for game species) was identified as a significant issue in the preliminary environmental assessment for the Devil Trout project. Alternative 3 was specifically developed to address this issue and presumably meets Forest Plan goals, yet Alternative 2 was selected as the preferred alternative. Alternative 3 moves to a large gain in forage habitat with only a minimal loss in thermal cover. The 1854 Treaty Authority supports Alternative 3, with the concerns about temporary access discussed above taken into consideration. Thank you, Sincerely

Response: "Agency Identified Preferred Alternative" and "Proposed Action" are two terms used in our NEPA process that have different meanings. The proposed action is that proposal developed by the agency (Forest Service) to meet the purpose and need. It's the beginning of the decision process and throughout the process it is always called the proposed action. That is then submitted to the public in a scoping process to determine if there are issues and concerns. If significant issues are identified, then alternatives are developed to address those issues. When we submit the proposed action and alternatives to the public for the 30 day comment period, we at times, identify which alternative is our preferred. It could be the proposed action or one of the alternatives. In the case of Devil Trout, there was no Agency Identified Preferred Alternative. In future assessments, we'll try to ensure we include information on whether or not there is an identified preferred alternative.

Steve Ramberg
I am writing you to confirm a rumor I heard today. I heard that there are plans to "clear cut" along the Gunflint Trail. Is this true? If it is true,I question your judgment. I know you pretty much have the ability to make unchecked decisions and I worry for the Gunflint Trail.

Response: The Devil Trout project's proposal includes seven harvest units along the Gunflint Trail of which one is a proposed clear cut. We are aware of visual effects clearcutting up to the Gunflint Trail could have and we have applied the appropriate mitigations to minimize those effects. Those mitigations applied to the one clear-cut on the Gunflint Trail are, avoid harvesting or damaging white pine, cedar, and tamarack, use the topography, legacy patches, leave islands, and leave trees along the Gunflint Trail in order to minimize views of harvested areas, retain existing and potential specimen trees, groups of trees, flowering trees and shrubs, and conifers in the immediate foreground of views from roads, visible edges of the stand should avoid abrupt transitions between cut area and adjacent uncut stand and leave mid-story shrub-layer species in the transition zones between cut areas, and adjacent stands and leave islands,

Thousands of people come from all over the nation to visit the BWCAW and drive the "Trail." Why must you have such a visible project? I drive all the back roads of Cook County and there are very few places that have been untouched by your doings. Please, leave the

Gunflint Trail alone. I am not for it, if the rumor is true, you are making a mistake.